

CLERK'S OFFICE U.S. DISTRICT COURT
AT ROANOKE, VA
FILED

DEC 08 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIALAURA A. AUSTIN, CLERK
BY: Megan Yarbrough
DEPUTY CLERKJAMAL JAH NUBI,
Plaintiff,

vs.

THE NUMERO GROUP LLC,
Defendant

Civil Action No. 23cv00797

COMPLAINT AND
DEMAND FOR JURY TRIALCOMPLAINT

1. Jamal Jaha Nubi (the "Plaintiff") for his complaint against the The Numero Group, LLC (the "Defendant"), alleges:

NATURE OF THE CASE

2. This action is brought to redress the flagrant and deliberate copyright infringement, in violation of 17 U.S.C. § 501, of the musical composition and sound recording entitled "Our Love", co-written and co-recorded by renowned recording artist Plaintiff Jamal Jaha Nubi. The "Our Love" sound recording, embodying the "Our Love" musical composition was created in 1980. (See Exhibit A).

3. In or about 2016 through 2018, the Defendant licensed or otherwise permitted use of Plaintiff's "Our Love" for use in the films entitled Moonlight and Roxanne Roxanne (the "Infringing Works"). (See Exhibits B and C).

1 4. Moonlight was released on October 21, 2016. Moonlight received three (3) Oscar
2 Awards and grossed \$27,854,932 in the US and Canada and over \$65,000,000.00 worldwide. (See
3 Exhibit D). Moonlight is additionally believed to have been, since 2016, and to currently be streamed
4 through numerous streaming platforms including HBO, Apple TV, Youtube TV as well as many others.
5 (See Exhibit E).
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8 5. Roxanne Roxanne was released on March 23, 2018. Roxanne Roxanne's monetary
9 success upon release has thus far not been accessible by Plaintiff. Roxanne Roxanne is additionally
10 believed to have been and to currently be streamed through numerous streaming services, including
11 Netflix.
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14 6. The Infringing Works purposefully and prominently used the "Our Love" musical
15 composition and sound recording.
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18 7. Defendant never received a license to use "Our Love". *Plaintiff and Defendant had*
19 *an Administration Agreement executed on July 9th, 2015 which granted Defendant a license in*
20 *certain other co-created musical works by Plaintiff. However, the Administration Agreement did*
21 *not include a license for use of "Our Love."*
22

23
24 8. In or about 2023, Plaintiff became aware of the infringing use of Plaintiff's copyrighted
25 work. On May 30, 2023, Plaintiff, through counsel, sent a Cease and Desist and Demand Letter to
26 Defendant. Plaintiff demanded: (1) Defendant cease and desist publishing, printing, displaying, otherwise
27 publicly using the copyrighted work; (2) Defendant agree to acknowledge in writing that Jamal Jaha
28 Nubi is the writer and legal owner of the copyrighted work; (3) Defendant agree to provide to Jamal
Jaha Nubi a complete accounting of all revenues generated from the unauthorized use of the copyrighted
work; and (4) Defendant agrees to pay Jamal Jaha Nubi a fair market percentage and/or royalties
generated as a result of the unauthorized use of the copyrighted work.

JURISDICTION AND VENUE

12. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b), as Defendant solicits and does business in this district, and Jamal Jaha Nubi is being injured in this district.

13. Jamal Jaha Nubi is a natural person and is a professional singer, songwriter, musician, and recording artist.

COUNT I – DIRECT COPYRIGHT INFRINGEMENT

COMPLAINT AND DEMAND FOR JURY TRIAL - 3

1 16. Plaintiff Jamal Nubi's "Our Love" sound recording and musical is an original, creative
2 work that contains and constitutes copyrightable subject matter under the Copyright Act.
3

4 17. Plaintiff Jamal Nubi is the co-owner of valid copyrights in the sound recording and
5 music "Our Love." The sound recording and music was registered in the U.S. Copyright Office on
6 December 07, 2022 (Registration Numbers SRu001527081).
7

8 18. By its actions, Defendant has infringed Plaintiff's copyright by, inter alia, reproducing,
9 distributing, publicly performing, and/or digitally transmitting the "Our Love" sound recording, and
10 creating derivative works from it, without any authorization, permission, license, or consent from
11 Plaintiff. That is, in licensing or otherwise permitting use of Plaintiff's copyrighted work "Our Love" in
12 the films Moonlight and Roxanne Roxanne, Defendant has directly infringed Plaintiff's copyrighted
13 work.
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18 19. Defendant's acts of infringement are knowing, deliberate, and willful, and in utter
19 disregard for Plaintiff's rights. That is, Defendant's have been made aware of Plaintiff's copyright in
20 "Our Love" and Defendant does not maintain a license or other agreement for use of "Our Love" in any
21 way. Despite being aware of such facts, Defendant has not taken steps to stop the use of "Our Love" in
22 the Infringing Works, nor has Defendant made a good faith attempt to compensate Plaintiff for the injury
23 he has suffered as a result of Defendant's infringement.
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27 20. Defendant has illicitly benefited from the success of the Infringing Works that make
28 unauthorized use of "Our Love", in ways including but not limited to sales and streaming revenue for the
Infringing Works, and an increase in name recognition leading to an increase similar business.

 21. As a result of Defendant's wrongful conduct, Plaintiff has been substantially and
irreparable harmed.

1 22. Plaintiff is entitled to injunctive relief prohibiting Defendant, its agents, representatives,
2 employees, and licensees from further infringing Plaintiff's copyrights.

3
4 23. In addition, Plaintiff is entitled to recover from Defendant the damages it has sustained
5 and continues to sustain, and any gains, profits, and advantages obtained by Defendant as a result of its
6 infringement. Alternatively, Plaintiff is entitled to statutory damages pursuant to 17 U.S.C. § 504.
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10 **COUNT II - CONTRIBUTORY COPYRIGHT INFRINGEMENT**
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12 24. Plaintiff incorporates each and every paragraph of this Complaint as if fully set forth
13 herein.
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15 25. Defendant encouraged, induced, designed, directed, produced, controlled, oversaw, or
16 otherwise materially contributed to the creation of the Infringing Works that make unauthorized use of
17 the copyrighted "Our Love" sound recording and music.
18
19

20 26. Defendant distributed, exploited, and promoted the Infringing Works. Defendant
21 represented that it had the right to, ability, and authority to control and supervise the licensing of the
22 sound recording of "Our Love" to the creators of the Infringing Works and Defendant had the ability to
23 terminate the license of the sound recording and music "Our Love" in the Infringing Works.
24

25 27. Defendant directly profited from the duplication of and unauthorized creation of the
26 Infringing Works that make an unauthorized use of the sound recording and music of the copyrighted
27 "Our Love".
28

 28. Defendant knew that it did not own or otherwise have the right to, permission,
agreement, or license to use the copyrighted "Our Love" sound recording and music in the Infringing
Works.

1 29. By promoting and participating in the creation of the Infringing Works that make an
2 unauthorized use of the copyrighted "Our Love" sound recording and music, Defendant, induced,
3 caused, or materially contributed to the infringing conduct alleged herein.
4

5 30. Defendant knew that the use of the copyrighted "Our Love" sound recording and music
6 was without permission and therefore infringing.
7

8 31. Defendant's ongoing conduct after notice from Plaintiff constituted willful contributory
9 copyright infringement.
10

11 32. Plaintiff has been damaged by Defendant's acts of contributory copyright infringement of
12 the copyrighted "Our Love" sound recording and music.
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14 33. In addition, Plaintiff is entitled to recover from Defendant the damages it has sustained,
15 and any gains, profits, and advantages obtained by Defendant as a result of his infringing acts.
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17 Alternatively, Plaintiff is entitled to statutory damages pursuant to 17 U.S.C. § 504.
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21 **VICARIOUS INFRINGEMENT**
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23 34. Plaintiff incorporates each and every paragraph of this Complaint as if fully set forth
24 herein.
25

26 35. Defendant represented that it had, and exercised, the right, ability, and authority to
27 control and supervise the unauthorized use of the copyrighted "Our Love" sound recording and music in
28 the creation of the Infringing Works.

36. Defendant did in fact participate in or oversee the creation and dissemination of the
Infringing Works.

38. Plaintiff has been damaged by Defendant's acts of vicarious infringement of the copyrighted "Our Love" sound recording and music.

39. In addition, Plaintiff is entitled to recover from Defendant the damages it has sustained, and any gains, profits, and advantages obtained by Defendant as a result of its infringing acts. Alternatively, Plaintiff is entitled to statutory damages pursuant to 17 U.S.C. § 504.

39. In addition, Plaintiff is entitled to recover from Defendant the damages it has sustained, and any gains, profits, and advantages obtained by Defendant as a result of its infringing acts. Alternatively, Plaintiff is entitled to statutory damages pursuant to 17 U.S.C. § 504.

JURY DEMAND

40. Plaintiffs demand a trial by jury as to all issues so triable in this action.

PRAYER FOR RELIEF

WHEREFORE, Jamal Jaha Nubi asks that this Court enter judgment in its favor and:

- a. Order that Defendant, and all those active in concert or participation with it, be preliminarily and permanently enjoined from unauthorized use of the Work;
- b. Award Jamal Jaha Nubi damages in an amount to be determined by the Court, including but not limited to actual damages and defendant's profits or statutory damages, pursuant to 17 U.S.C. § 504(a)(2), enhanced to reflect Defendant's willful infringement;
- c. Award Jamal Jaha Nubi its reasonable attorney fees, disbursements, and costs, pursuant to 17 U.S.C. § 505; and
- d. Such further relief that this Court deems just.

b. Award Jamal Jaha Nubi damages in an amount to be determined by the Court, including but not limited to actual damages and defendant's profits or statutory damages, pursuant to 17 U.S.C. § 504(a)(2), enhanced to reflect Defendant's willful infringement;

c. Award Jamal Jaha Nubi its reasonable attorney fees, disbursements, and costs, pursuant to 17 U.S.C. § 505; and

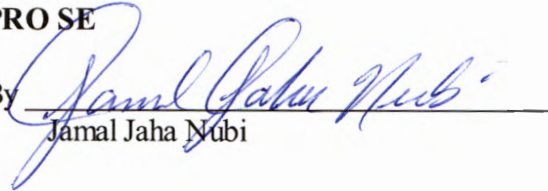
d. Such further relief that this Court deems just.

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RESPECTFULLY SUBMITTED this 08 day of DEC, 2023

PRO SE

By


Jamal Jaha Nubi

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Roanoke, VA 24012

APT. B-301

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